

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA  
CASE NO.: 04-239

INQUIRY CONCERNING JUDGE SUPREME CT. CASE NO. SC05-851  
RICHARD H. ALBRITTON, JR.;

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**ORDER ON MOTIONS TO COMPEL**

The respondent, Judge Albritton, filed a motion to compel production of certain witness statements. The motion seeks what is described as the "statements of witnesses used to find probable cause." The motion to compel is based upon In re: Graziano, 696 So. 2d 744, 751 (Fla. 1997) and an unreported Supreme Court order from Inquiry Concerning A Judge Cynthia A. Holloway, No. 00-143, Supreme Court Case Number SC00-2226. After review of the presentation of counsel and the affidavit of Robert W. Butler filed by the Commission, it is determined that no witness statements exist as contemplated under Rule 12(b), Florida Judicial Qualification's Commission Rules, or the previously cited decisions. The motion to compel by Judge Albritton is therefore denied. In so ruling the Hearing Panel concludes that Judge Albritton is free to take the depositions of the numerous witnesses whose names were furnished in response to Judge Albritton's Rule 12(b) request. In addition, if it can be demonstrated that the taking of such depositions will not be sufficient or will otherwise result in prejudice to Judge

Albritton's defense, then, upon further motion, this Panel will further consider the matter.

The Investigative Panel, through Special Counsel, has also filed a motion to compel seeking an order requiring Judge Albritton to submit to deposition. Said motion was filed based upon the judge's counsel's view that he would not be produced prior to the production of the aforesaid "witness statements." In light of the previous ruling of the Panel, respondent is required to submit to a deposition within a reasonable period of time.

SO ORDERED this 26th day of January, 2006.

**FLORIDA JUDICIAL QUALIFICATIONS  
COMMISSION**

By: /s/ James R. Wolf  
JUDGE JAMES R. WOLF,  
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Copies furnished in accordance with the attached list.

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